IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.Rev.Pet.No. 184 of 2001()

CRA.11/1996 of SESSIONS COURT, PALAKKAD
CC.27/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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REVN. PETITIONERS:

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1. ABDUL SHUKKUR, S/O.MUHAMMED IBRAHIM,
ONATH VALAPPU, OTTUPARA, KUMARANELLUR,
THALAPPILLY TALUK.

2. BABY ALIAS LIYOSAN,
S/O.GEORGE, KUNNATHU HOUSE,
PALAT ROAD, OTTAPPALAM.

3. SASI ALIAS SASIKUMAR ALIAS SASIDHARAN,
S/O.DAMODARAN NAIR,
PUSHPA NIVAS, S.R.K.NAGAR,
OTTAPPALAM.

4. RAVINDRAN ALIAS RAVI,
S/O.ACHUTHAN NAIR,
KOUSTHUBAM HOUSE,
VENGASSERY, AMBALAPPARA,
OTTAPPALAM.

BY ADV. SRI.B.RAMAN PILLAI
SRI.S.SREEKUMAR
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MUHAMMED
SRI.DELVIN JACOB MATHEWS

Crl.Rev.Pet.No. 184 of 2001()

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007, ALONG WITH Crl. R.P.Nos.221/2001, 244/2001 & 264/2001 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.782/2001 IN CRL.R.P.NO.184/2001

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

23/11/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl. R.P.No.184/2001-A, 221/2001-B,
244/2001-A & 264/2001-U

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Dated this the 23rd day of November, 2007

O R D E R

The revision petitioners in Crl.R.P.No.184/2001 are accused Nos.1, 2, 3 and 5 in C.C.No.27/1993; the revision petitioners in Crl.R.P.No.221/2001 are accused Nos.1 to 5 in C.C.No.29/1993; the revision petitioners in Crl.R.P.No.244/2001 are accused Nos.1 to 5 in C.C.No.28/1993 and; the revision petitioners in Crl.R.P.No.264/2001 are accused Nos.1 to 5 in C.C.No.26/1993 who stand convicted for the offences under Sections 143, 457, 461, 380 read with Section 149 I.P.C., and sentenced to undergo various terms of imprisonment. The revision petitioners in Crl.R.P.No.184/2001 are accused Nos.1, 2, 3 and 5 and the revision petitioners/accused in the rest of the criminal revision petitions are the same persons. The fourth accused in C.C.No.27/1993 (Crl.R.P.No.184/2001) was acquitted by the trial court itself. The offences alleged are with respect to theft committed of household articles during the period from 23/11/1990 to 13/01/1991.

2. It is submitted by the counsel appearing for the revision petitioners that the revision petitioners/accused were very young at the

time when the offences were committed. It is submitted that the third accused is right now a practising lawyer. The first accused is running a successful business after his studies in the I.T.I. He was below 21 years of age at the time of occurrence. It is submitted that he is a dealer of T.V.S motorcycles. The rest of the accused except the fourth accused were in the age group of 20 to 25. The counsel for the revision petitioners has only sought for modification of sentence. It is pointed out that since the date of the incident about 17 years have elapsed and right now they are well settled in life and have got families consisting of wife and children. It is submitted that the wife of the first accused expired recently and he has to look after three minor children. It is also submitted that so long the accused were facing the criminal proceedings and have undergone severe mental strain. They have also undergone pretrial detention for more than one month.

3. In the circumstances, the sentence is modified as follows:-

i. Crl.R.P.No.184/2001/C.C.No.27/1993:-

The sentence imposed for the offence under Section 457 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three

months each. The sentence imposed for the offence under Section 380 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 461 I.P.C is modified to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each.

ii. Crl.R.P.No.221/2001/C.C.No.29/1993:-

The sentence imposed for the offence under Section 457 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 380 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 461 I.P.C is modified to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each.

iii. Crl.R.P.No.244/2001/C.C.No.28/1993:-

The sentence imposed for the offence under Section 457 I.P.C is modified to imprisonment already

undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 380 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 461 I.P.C is modified to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each.

iv. Crl.R.P.No.264/2001/C.C.No.26/1993:-

The sentence imposed for the offence under Section 457 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 380 I.P.C is modified to imprisonment already undergone and to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each. The sentence imposed for the offence under Section 461 I.P.C is modified to pay a fine of Rs.2,500/- each and in default to undergo simple imprisonment for three months each.

The revision petitioners are granted three months time to remit the fine amounts. The revision petitions are allowed in part.

Sd/-

K.R.UDAYABHANU,
Judge

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